

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:21-CR-00539-RWS-JMB
)	
MICHAEL J. MCCORMAC,)	
)	
Defendant.)	

**UNITED STATES OF AMERICA’S NOTICE OF INTENT NOT TO CALL WITNESSES
AT EVIDENTIARY HEARING**

COMES NOW Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Meredith L. Reiter, Assistant United States Attorney for said District, and hereby files this Notice Of Intent Not To Call Witnesses at the evidentiary hearing currently scheduled for August 18, 2022 (Doc. No. 34) for the reasons set forth below.

On July 13, 2022, Defendant Michael J. McCormac filed a motion to suppress evidence seized pursuant to a search warrant that the United States obtained for GoLiveWell Pharmacy, LLC on September 23, 2019. Doc. No. 32. GoLiveWell Pharmacy was a mail-order pharmacy formerly owned and operated by Defendant. Defendant moves to suppress such evidence seized pursuant to the search warrant because “the description of the property to be searched was insufficient in that it was both insufficiently particular and overbroad.” *Id.* at 4. The United States’ response in opposition to Defendant’s motion addresses why the search warrant was sufficiently particular and not overbroad, thus meeting the Fourth Amendment’s requirements. Doc. No. 33.

It is undisputed that Defendant’s motion relates only to the four corners of the search warrant and whether it meets the Fourth Amendment’s particularity requirement. Defendant’s

motion does not argue that the affidavit submitted with the search warrant application lacked probable cause or that federal agents improperly executed the search warrant. Because there are no factual issues in dispute, the United States does not intend to call witnesses at the hearing currently scheduled for August 18, 2022.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Meredith L. Reiter
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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2022, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Meredith L. Reiter
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